REMARKS

The following remarks are in response to the Office action dated December 13, 2006. Claims 1 and 6-7 have been amended. Claims 4-5 and 8-10 have been canceled without prejudice. New claims 11-13 have been added. Support for the amendments can be found in the originally filed specification of the present application. Claims 1-3, 6-7 and 11-13 are pending in the application. Applicant appreciates Examiner's thorough search and review of the present application.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-10 were rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al. (US. 6,141,439, Listed in IDS filed on Jan. 10, 2006), hereinafter referred to as Yoshida.

In response to this rejection, applicant has amended claims 1 and 6-7, and has canceled claims 4-5 and 8-10 without prejudice. Applicant respectfully requests reconsideration and removal of the rejections and allowance of claims 1-3 and 6-7. The following remarks herein are responsive to the rejections.

Claim 1, as amended, recites in part:

'a format conversion sub-module for *converting data formats of the first and second images into data formats which can be identified by the measurement computer*;

a proportion conversion sub-module for *computing a conversion proportion based on an actual size of the measured object and an image size of the standard object*;

a border processing sub-module for ascertaining borders of different parts of the measured object according to different lattice densities in the first image; and

an image adjusting sub-module for *adjusting the first image according to different camera lens focuses of the image obtaining device*'.

Applicant submits that Yoshida does not disclose, teach, or otherwise suggest the invention having the above-highlighted features as set forth in amended claim 1.

As indicated on page 3 of the Office action, Yoshida discloses that an apparatus for image measurement comprises a data setting portion for taking up one of stereoscopic images as a reference image and the other stereoscopic image as a searched image, and establishing a reference data block in the reference image and a searched data block in the searched image (column 2, lines 23-28). As indicated on page 4 of the Office action, a correlation coefficient between the reference data block in the reference image and the searched data block in the searched image is calculated by using a computer (column 1, lines 6-15). Applicant acknowledges that the reference image and the searched image of Yoshida correspond to a first image of a measured object and a second image of a standard object recited in claim 1 respectively. However, applicant asserts that the image measurement apparatus of Yoshida does not convert data formats of the reference and searched images into data formats that can be identified by the computer. That is, Yoshida clearly fails to disclose, teach or suggest the feature of a format conversion sub-module for *converting data formats of the first and second images into data formats which can be identified by the measurement computer*, as recited in amended claim 1 (see support in lines 4-6 of paragraph [0016] of the present specification as originally filed). Accordingly, applicant submits that the

format conversion sub-module recited in amended claim 1 of the present application is patentably distinct from the image measurement apparatus disclosed by Yoshida.

Furthermore, Yoshida discloses a data magnification changing portion for changing the magnification of the data in the vicinity of the reference points so that it becomes virtually equal to the magnification of the searched data (figure 2; column 5, 23-33). According to Yoshida, the magnification of the searched data can be changed by the data magnification changing portion. However, the data magnification changing portion of Yoshida does not compute a conversion proportion for the searched image and the reference image. That is, Yoshida clearly fails to disclose, teach or suggest the feature of a proportion conversion sub-module for *computing a conversion proportion based on an actual size of the measured object and an image size of the standard object*, as recited in amended claim 1 (see support in lines 6-8 of paragraph [0016] of the present specification as originally filed). Accordingly, applicant submits that the proportion conversion sub-module recited in amended claim 1 of the present application is patentably distinct from the data magnification changing portion disclosed by Yoshida.

Moreover, the data magnification changing portion disclosed by Yoshida is for correcting magnification based on the distances between the lattice points mapped on the images (column 5, lines 26-40). However, the data magnification changing portion of Yoshida does not ascertain borders of the images according to the distances between the lattice points mapped on the images. That is, Yoshida fails to disclose, teach or suggest the feature of a border processing sub-module for *ascertaining borders of different parts of the measured object according to different lattice densities in the first image*, as recited in amended claim 1 (see support in lines 9-11 of paragraph [0016]

of the present specification as originally filed). Accordingly, applicant submits that the border processing sub-module recited in amended claim 1 of the present application is also patentably distinct from the data magnification changing portion disclosed by Yoshida.

In addition, it is indicated in page 4 of the Office action that the element 23 and the element 24 of figure 2 of Yoshida disclose an image adjusting sub-module provided by amended claim 1 of the present application. Applicant respectfully disagrees and traverses as follows. According to Yoshida, the element 23 of figure 2 describes a processing portion that includes changing the magnification and correlation processing the images. Furthermore, the element 24 of figure 2 only describes a data magnification determining portion. There is nothing at all mentioned in Yoshida in relation to **camera lens focuses** of an image obtaining device. Accordingly, Yoshida clearly fails to disclose or suggest the feature of an image adjusting sub-module for *adjusting the first image according to different camera lens focuses of the image obtaining device,* as recited in amended claim 1 (see support in lines 11-15 of paragraph [0016] of the present specification as originally filed).

In conclusion, Yoshida clearly fails to disclose, teach, or even suggest the present invention having the above-highlighted features as set forth in claim 1, as amended. Accordingly, applicant respectfully submits that amended claim 1 is not only novel under U.S.C. §102(e) over Yoshida, but also unobvious and patentable under U.S.C. §103 over Yoshida. Reconsideration and removal of the rejection and allowance of amended claim 1 are requested.

Because claims 2-3 depend directly from amended independent claim 1, and respectively recite additional subject matter, claims 2-3 should also now be allowable.

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Because applicant has canceled claims 4-5 without prejudice, the rejections relating thereto are now moot.

New claims 12-13 depend directly from amended independent claim 1, and respectively recite additional subject matter. It is believed that claims 12-13 also represent patentable subject matter.

Claim 6, as amended, recites in part:

'(b) *converting data formats of the first image and the second image into formats which can be identified by a measurement computer, and computing a conversion proportion based on an actual size of the measured object and an image size of the standard object;*

(c) *ascertaining borders of different parts of the measured object according to different lattice densities in the first image;*

(d) *adjusting the first image according to a focus of a camera lens of the image obtaining device;*

(e) measuring sizes of different parts of the measured object in the first image according to the conversion proportion; and

(f) obtaining the measurement data on the measured object that comprises the borders and the sizes of the different parts of the measured object'.

Amended claim 6 is an image measuring method claim corresponding to the image measuring system for obtaining measurement data on an object of amended claim 1. Referring to and incorporating herein the reasons regarding the patentability of claim 1, applicant submits that Yoshida does not disclose, teach, or otherwise suggest the present invention having the above-highlighted features as set forth in amended claim 6. Accordingly, claim 6 is not only novel under U.S.C. §102(e) over Yoshida, but also unobvious and patentable under U.S.C. § 103 over Yoshida. Reconsideration and removal of the rejection and allowance of amended claim 6 are requested.

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Because claim 7 depends from amended independent claim 6, and respectively recites additional subject matter, claim 7 should also now be allowable.

Because applicant has canceled claims 8-10 without prejudice, the rejections relating thereto are now moot.

New claim 11 depends directly from amended independent claim 6, and recites additional subject matter. It is believed that claim 11 also represents patentable subject matter.

In view of the above amendments and remarks, the subject application is believed to be in a condition for allowance, and an action to such effect is earnestly solicited.

Respectfully submitted,
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